

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rio Brazos

ORDER

THIS MATTER is before the Court on Plaintiff State of New Mexico, *ex rel.* State Engineer's ("State") *Motion for Default Judgment Against Unknown Claimants of Interest in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System*, Doc. 11277, filed September 6, 2017. The State requests the Court grant judgment by default against Unknown Claimants of Interest to surface waters in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System ("Rio Brazos Subsection"), finding that those defendants have no surface water irrigation rights in the Rio Brazos Subsection and barring additional claims to surface water irrigation rights by those defendants in these proceedings.

Being fully advised in the premises, the Court finds:

1. The November 19, 2002 procedural order that governs the adjudication of water rights claims in the Rio Brazos Subsection mandates that any individuals claiming surface water irrigation rights that were not included in the State's Hydrographic Survey (unidentified and unknown claimants) were required to file a Statement of Omitted Claim with the Court no later

than December 31, 2003. *Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System*, filed November 19, 2002 (Doc. 6939), ¶ II (C)(4).

2. The Court has jurisdiction over Unknown Claimants of Interest to surface water used for irrigation purposes in the Rio Brazos Subsection as shown by the *Proof of Publication of Notice of Pendency of Suit* filed March 5, 2005 (Doc. 7782).


3. These Unknown Claimants of Interest are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Certificate of Default* filed September 29, 2005 (Doc. 8022).

4. No responses to the State's Motion have been filed with the Court.

IT IS ORDERED, THEREFORE, that the State's Motion is GRANTED.

IT IS FURTHER ORDERED that Unknown Claimants of Interest have no surface water irrigation rights in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System, and all additional claims to surface waters irrigation rights in the Rio Brazos Subsection by Unknown Claimants of Interest are barred from consideration by this Court in these proceedings.

IT IS SO ORDERED.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE